

**PLANNING BOARD ARTICLES
MAY 2014 ANNUAL TOWN MEETING**

ARTICLE A

To see if the Town of Foxborough will transfer the sum of \$56,500 from Free Cash to be expended by the Planning Board to complete the Master Plan for the Town, or take any action in relation thereto.

ARTICLE B

To see if the Town will vote to adopt the following paragraph from MGL Ch. 41 s. 81U:

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the board of selectmen. The provisions of this paragraph shall not apply to cities or to towns having town councils; or take any action in relation thereto.

ARTICLE C

To see if the Town will vote to amend Section 11 of the Town of Foxborough General By-Laws by adding to section B:

Bentwood Street

Carpenter Street

Chestnut Street

Cross Street

Garfield Street

Leonard Street from Cocasset Street to Leonard Terrace

Maple Avenue

Sherman Street

S. Cross Street

W. Leonard Street

West Street from Mill Street west to the Wrentham town line

Amend Section 11.D by adding 4. The planning board may adopt rules and regulations for carrying out its duties under this By-Law.

Amend Section 11.E.3 by adding the following at the end of the section: Trees shall be replaced on a caliper-inch-per-caliper-inch basis (combined area of the replacement trees measured four feet above ground level to equal total area of the caliper of the removed

original tree trunk as measured four feet above ground level) at locations specified by the Town Warden.

Amend Section 11 by adding section G as follows:

G. Enforcement; violations and penalties.

1. Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within any designated scenic road will require an immediate filing as detailed above, and the applicant shall be required to restore features. This restoration shall consist of replacing the stone wall as necessary and replacing the trees cut on a caliper-inch-per-caliper-inch basis (combined area of the replacement trees measured four feet above ground level to equal total area of the original tree trunk as measured at the stump) at locations specified by the Town Warden.
2. Failure to comply with a duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures that the Planning Board deems necessary. Any decision not exercised within two years of the filing of the planning board's decision shall be void and shall require a new filing.
3. The Building Commissioner, the Tree Warden, or other tree official authorized by the Town Manager shall have the authority to enforce the provisions of this article.
4. Any violation of this article, MGL c. 40, § 15C (Scenic Roads) or a planning board decision issued under this article or MGL c. 40, § 15C may be subject to noncriminal disposition. Violations shall be subject to a fine of \$300, each day to be considered a separate offense.

or take any action in relation thereto.

ARTICLE D

To see if the Town will vote to amend ARTICLE V of the Town of Foxborough General By-Laws the following Section 22:

Section 22 Complete Streets By-Law

- A. Purpose: The purpose of this By-Law is to provide safe, convenient and comfortable routes for all modes of transportation, including vehicular, walking, bicycling, and public transportation with the Town of Foxborough, to support the use of all modes of transportation, enable convenient travel as part of daily activities, improve public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of streets, including children, older adults, and persons with disabilities.

- B. Applicability: In order to develop and maintain a safe, efficient, balanced and environmentally sound transportation system for people of all ages and abilities, the Town shall integrate Complete Streets planning into all types of projects, including new construction, reconstruction, rehabilitation, repair, and maintenance where such are practicable during the construction, reconstruction or other changes of transportation facilities on streets and in redevelopment projects.

C. Definitions

The following words and phrases, whenever used in this By-Law, shall have the meanings defined in this section unless the context clearly requires otherwise:

"Complete Streets" is the planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete Streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.

"Complete Streets Infrastructure" means physical street features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.

"Street" means any right of way, public or private, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.

"Street Project" means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any Street, and includes the planning, design, approval, and implementation processes, except that "Street Project" does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.

D. Implementation

1. The Town of Foxborough shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as

an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

2. As feasible, the Town of Foxborough shall incorporate Complete Streets Infrastructure into existing streets to improve the safety and convenience of users, construct and enhance the transportation network for each category of users, and create employment. Complete Streets may include street and sidewalk lighting; sidewalks and pedestrian safety improvements such as median refuges or crosswalk improvements; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and bus shelters; bicycle accommodations including bicycle storage, bicycle parking, bicycle routes, shared-use lanes, wide travel lanes or bike lanes as appropriate; street trees, boulevard landscaping, street furniture and adequate drainage facilities; and reduction in the number of travel lanes or removal of on-street parking.
3. If the safety and convenience of users can be improved within the scope of pavement resurfacing, restriping, or signalization operations on streets, such projects shall implement Complete Streets Infrastructure to increase safety for users.
4. The Town of Foxborough will incorporate, where practicable, one or more "Complete Street" elements into public transportation projects in order to provide appropriate accommodation for bicyclists, pedestrians, transit users and persons of all abilities, while promoting safe operation for all users, in comprehensive and connected networks in a manner consistent with, and supportive of, the surrounding community.
5. The Town of Foxborough recognizes that "Complete Streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.
6. The Town of Foxborough shall enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians (including people requiring mobility aids), bicyclists, transit users, motorists and freight drivers, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel that is consistent with and supportive of the local community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner.
7. Bicycle, pedestrian, and transit facilities shall be included in Street Projects, reconstruction, repaving, and rehabilitation projects.
8. The Town of Foxborough shall follow The Massachusetts Project Development

& Design Guide (2006) that:

- a. Provides guidance on basic design controls.
 - b. In developed areas, continuous sidewalks should be provided on both sides of a roadway, minimizing the number of pedestrian crossings required. If sidewalks are only on one side of the street, the sidewalk should be provided on the side that minimizes the number of pedestrian crossings.
 - c. Pedestrian requirements must be fully considered in the design of intersections including taking into consideration the following concerns: crossings and pedestrian curb cut ramp locations; walking speed, pedestrian flow capacity, traffic control, yielding and delays.
 - d. All new and reconstructed sidewalks must be accessible to and usable by person with disabilities in accordance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board.
 - e. Along roadway segments, greater separation of motor vehicle and non-motorized users can be provided by including shoulders, bicycle lanes, or buffered sidewalks.
9. All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by boards and committees in Foxborough shall:
- a. evaluate the effect of the proposed project on safe travel by all users, and
 - b. identify measures to mitigate any adverse impacts on such travel that are identified.
10. The Town and its boards and departments shall review and either revise or develop proposed revisions to all appropriate plans, zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals to integrate Complete Streets principles in all Street Projects on streets.
11. In design guidelines, Department of Public Works shall coordinate templates with street classifications and revise them to include Complete Streets Infrastructure, such as bicycle lanes, sidewalks, street crossings, and planting strips. The design of new or reconstructed facilities should anticipate likely future demand for bicycling, walking and transit facilities.

E. Reporting

The head of each affected board or department shall report annually to the Board of Selectmen

1. the steps taken to implement this By-Law;
2. additional steps planned; and
3. any desired actions that would need to be taken by Town Meeting or others to implement the steps taken or planned.

F. Severability: In the event that a court or agency of competent jurisdiction holds that a federal or state law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this by-law or the application thereof to any person or circumstances, it is the intent of the by-law that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect.

G. Effective Date:

or take any action in relation thereto.

ARTICLE E

To if the Town will vote to amend amend Table 3-1 of the Foxborough Zoning By-Laws by inserting a new use category as follows:

		R-15	R-40	GB	NB	HB	GI	LI	S-1
D.12	Registered Marijuana Dispensary	N	N	N	N	N	N	N	PB

And to amend the Foxborough Zoning By-Laws by inserting the following as Section 7.5:

7.5 REGISTERED MARIJUANA DISPENSARIES

7.5.1 Purpose. The purpose of this Section 7.5 is to:

1. Provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).
2. Minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Dispensaries.
3. Regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

7.5.2 Applicability.

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for

Medical Use is prohibited unless permitted as a Registered Marijuana Dispensary under this Section.

2. No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Section.
3. Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

7.5.3 General Requirements for all Registered Marijuana Dispensaries.

1. Marijuana or Marihuana, Marijuana-Infused Product (MIP), Registered Marijuana Treatment Dispensary (including definition of registered marijuana dispensary), Registration Card, and Production Area are defined in 105 CMR 725.000.
2. All Registered Marijuana Dispensaries shall be contained within a building or structure.
3. No Registered Marijuana Dispensary shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
4. The hours of operation of Registered Marijuana Dispensaries shall be set by the Planning Board, but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM.
5. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Dispensary.
6. No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
7. Signage shall comply with the Town of Foxborough Sign By-Law and 105 CMR 725.000. Signs shall only contain the name of the Dispensary, the address, hours, contact information for the permit holder, and the following language: "Registration card issued by the MA Department of Public Health required." All text shall be a minimum of two inches in height. Signage shall not include the marijuana leaf icon or other imagery that would detract from the professional and medical nature of the Dispensary.
8. Registered Marijuana Dispensaries shall provide the Police Department and Building Commissioner with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.

7.5.4 Special Permit Requirements.

1. A Registered Marijuana Dispensary shall only be allowed by special permit from the Planning Board.
2. A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
 - a. Cultivation of Marijuana for Medical Use (horticulture).
 - b. Processing and packaging of Marijuana for Medical Use, including Marijuana, Marijuana-Infused Products (MIP), and other products.
 - c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.
3. Site Plan Review by the Planning Board is required.
4. In addition to the application requirements set forth in these By-Laws, a special permit application for a Registered Marijuana Dispensary shall include the following:
 - a. The name and address of each owner of the Dispensary;
 - b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Dispensary;
 - c. Evidence of the Applicant's right to use the site for the Dispensary, such as a deed or lease;
 - d. If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - e. A written report from the Foxborough Police Department detailing minimum security measures for The Dispensary.
 - f. Proposed security measures for the Medical Marijuana Dispensary meeting or exceeding the requirements of the Police Department, including lighting, fencing, police details, guards, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

7.5.5 Findings. The Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that the Dispensary meets the criteria listed

in Section 10.4.2 and that:

1. The Dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
2. The Dispensary is not within one thousand feet (1000') of any school serving persons under 21 years of age, a church or other religious facility, or a public park located within Foxborough or any abutting community.
3. The Dispensary demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.

7.5.6 Conditions of Approval.

1. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Registered Marijuana Dispensary.
2. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Registered Marijuana Dispensary in the event the Town must remove the Dispensary. The value of the bond shall be based upon the ability to completely remove all the items noted in 7.5.3 and 7.5.4 and properly clean the Dispensary at prevailing wages.
3. Each Registered Marijuana Dispensary permitted under this By-Law shall as a condition of its special permit file an annual report to the Planning Board, Board of Health, and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit. The Planning Board may require such report to be made at a meeting.
4. Registered Marijuana Dispensaries shall provide the Police Department and Building Commissioner the contact information required in 7.5.3.8 each year, no later than January 31st.
5. Registered Marijuana Dispensaries shall meet with Police Department annually to review security provisions and submit any revisions to the Police Department and Building Commissioner no later than January 31st.
6. The Planning Board may impose other conditions as they deem necessary.

7.5.7 Abandonment or Discontinuance of Use.

1. A Special Permit shall lapse if not exercised within one year of issuance.
2. A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:
 - a. prior to surrendering its state issued licenses or permits; or
 - b. within six months of ceasing operations; whichever comes first.or take any action in relation thereto.

ARTICLE F

To see if the Town will vote to amend Table 4-1 by inserting a column entitled “MAXIMUM LOT COVERAGE” to the right of MINIMUM LOT WIDTH and inserting 40% for all R-15 & Two family categories and 25% for all R-40 and NB categories. Add 4.1.2.5 to read as follows: Maximum lot coverage may be modified by the provisions of special district regulations” or take any action in relation thereto.

ARTICLE G

To see if the Town will vote to amend Table 3-1 TABLE OF USES Section L. 15. Drive-Through Facility to read:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
L.15. Drive-Through Facility	N	N	N	N	PB	N	N	PB

or take any action in relation thereto.

ARTICLE H

To see if the Town will vote to delete existing use category B.1. and insert the following:

1. All land and buildings used for the storage, manufacture, processing or bottling of non-combustible materials, beverages, and low hazard wares that do not ordinarily burn rapidly and which are not High Hazard Uses.

Amend Table 3-1 of the Foxborough Zoning By-Laws by inserting a new use category as follows:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
C.11 Brew Pub	N	N	PB	PB	N	N	N	N

Amend Section 11 of the Foxborough Zoning By-Laws by inserting the following in the appropriate alphabetical order:

Brew Pub: Restaurant licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts under the farmer's brewers statutes to produce and sell beer and ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and ale on the premises, of which not more than 20% of the production capacity may be sold wholesale to other establishments.

Mixed Use: A tract of land or building or structure developed for two or more different uses including residential, Retail, business, service, or office, assembly uses, and institutions.

Amend 9.2.2 by adding Howard Avenue, Rockhill Street, and Shaw Place in appropriate alphabetical order and after Granite Street add the phrase “(Main Street to Union Street)”

Amend 9.2.4 by striking the existing section and inserting the following:

9.2.4 Applicability. Review by the Design Review Board is required for exterior activities within the Design Review District when Site Plan Review or a Special Permit is required or when the Building Commissioner determines that the proposed exterior activities are sufficiently extensive to materially affect the character of surrounding area.

Amend 9.2.6 striking sections 1 and 2 and replacing with the following:

1. Upon receipt of an application, the Design Review Board shall, within twenty-one (21) days, submit any written findings, comments, conditions, and recommendations to the applicant, Building Commissioner, and referring board. Failure of the Design Review Board to report within the twenty-one (21) day period shall be deemed a lack of opposition thereto.
2. The referring board shall incorporate the Design Review Board's report in its decision. Should the referring board deviate from the Design Review Board's report, the reasons shall be specifically cited in their decision.

Amend the Zoning By-Laws by inserting a new section 9.7 entitled Foxborough Center Overlay District (FCOD)

9.7 FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD)

9.7.1 Vision and Purpose. Foxborough Center is recognized as the heart of the town. Anchored by the Common, the Center is a walkable, mixed-use area that fulfills many of the community's governmental, spiritual, service, residential, and social needs. The purpose of this Overlay is to:

1. Promote development or redevelopment of a mix of non-residential and residential uses in downtown Foxborough
2. Encourage a mix of uses on a lot or in a building that are appropriate to the needs of the community and the scale of surrounding neighborhoods
3. Promote an active pedestrian environment and innovative approaches to parking
4. Provide opportunities for housing, employment and/or shopping in close proximity to residents, municipal facilities and other services
5. Maintain a consistently high level of design quality throughout the district
6. Preserve the historic character of the Center and promote compatible development

9.7.2 Overlay District. The Foxborough Center Overlay District (FCOD) is established as an overlay district encompassing the area more particularly delineated on the plan entitled "Foxborough Center Overlay District (FCOD) Plan in Foxborough, MA" prepared by Metropolitan Area Planning Council, dated May 29, 2013. This map shall be considered as superimposed over other districts established by these By-Laws. The map as it may be amended from time-to-time, is on file with the office of the Town Clerk and with the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws.

9.7.3 Relationship to Existing Zoning and Other Regulations. The FCOD by-law shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations to develop or redevelop land. If an owner elects to utilize the FCOD to develop or redevelop land, the project shall conform to all applicable requirements of this by-law, including any regulations or guidelines that may be adopted to support this by-law.

In the FCOD, all requirements of the underlying district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements.

If the provisions of this by-law are in conflict with any other section of the Foxborough Zoning By-law, the regulations of the FCOD shall govern.

9.7.4 Pre-Application Process

Prior to submitting a building application for a project within the FCOD, the applicant shall contact the Town Planner to arrange a Pre-Application meeting to review the project. The Town Planner will coordinate, if applicable, further pre-application meetings with the Planning Board and/or a joint administrative meeting. The purpose of the pre-application process is to answer questions and concerns in order to streamline the review process for applicants.

9.7.5 Use Provisions.

- 1. Permitted Uses.** The following uses are Permitted Uses, allowed by-right for any project developed within the FCOD. The projects are subject to any Performance Standards, Section 6.5; Site Plan Review requirements pursuant to Section 10.5 and Design Review pursuant to Section 9.2.

C. Mercantile/Retail

1. Retail establishment
2. Restaurant
3. Mercantile/retail uses, except restaurants with seating which use more than twenty-five (25) percent of the gross area of a building

D. Business, Service, or Office

1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for the other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to business office uses or similar purposes, except for other uses specified in this Use
3. Laundry or dry cleaning facilities—drop off only, no on-premises facilities
5. Funeral Establishments

E. Assembly

1. Theatres

4. Museums, with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or educational presentations, lectures or similar purposes
5. Use of land or structures for religious purposes
8. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation
9. Child care center

G. Residential

Mixed Use: up to 3 dwelling units in a mixed use project; over 3 dwelling units by special permit from the Planning Board

5. Two (2) family dwelling
6. Single family dwellings
11. Accessory Apartment
13. Bed and Breakfast

H. Agricultural Uses

1. Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area.

I. Public and Quasi-Public Facilities

2. Essential services
3. Municipal facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water, filter plants, sewage treatment plants and refuse facilities.
7. Municipal Recreation Facility

L. Accessory Uses

3. Residential accessory uses and structures. Gross area of residential storage structures shall not exceed 400 square feet or 1.5 stories; the gross area of temporary wayside stands shall not exceed 400 sq ft.
4. Residential garages which do not exceed one and a half stories in height and a "footprint" not to exceed one and a half stories in height and a "footprint" not to exceed 625 square feet.
7. Accessory uses to multifamily dwellings which are located within the principal building and are limited to eating establishments, personal service establishments; retail sales establishments selling convenience merchandise
10. Home occupation

11. Home occupation, non-intensive

- 2. Uses Not Permitted in the FCOD.** For developments proposed to utilize the optional Overlay, the following uses permitted within the underlying zoning district(s) are not permitted.

C.6 Commercial Storage Garages/motor vehicle repair shops
D.3 Laundry and Dry Cleaning (Commercial facility)
L.2 Seasonal Worker Housing as Accessory Use
L-13 Keeping of Livestock on 2+acres
M-3 Excess Parking Spaces

The following Uses, authorized by grant of a special permit in the underlying zoning district(s), are Not Permitted in any development utilizing the Overlay.

A.3 Motor Vehicle Fuel Facility (BA)
B.4 Temporary Parking Lots (PB)
D.2 Research and Development (PB)
D.8 Truck Terminal/public warehouse (PB)
D.9 Automobile Storage or auction facility (PB)
F.1 Hospitals, sanitariums, orphanages (BA)
G.3 Dormitories (BA)
I.4 Telecommunications (BA)
J.7 Wellness and Recreation Center (PB)
L.1 Accessory Storage of Waste Materials (BA)
L.12 Keeping of Livestock on less than 2 acres (BA)
L.15 Drive-Through Facility (PB)

3. Uses Allowed by Special Permit.

The following uses may be authorized by grant of a special permit from either the Planning Board or the Board of Appeals, as noted below.

Mixed Use Project with more than 3 dwelling units (Planning Board)

C.11 Brew Pub (Planning Board)
E.2 Night clubs, dance halls (Planning Board)
L.9 Nonresidential accessory uses and structures which do not exceed 15% of the gross area of the principal building or buildings (Board of Appeals)

9.7.6 Dimensional Requirements. The following Dimensional Requirements shall apply in the FCOD:

Table 9-2 DIMENSIONAL REGULATIONS FOR FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD)										
USE	AREA (sq.ft.)	FRONTAGE (ft)	YARDS (ft)			BUILDING HEIGHT		MAXIMUM LOT COVERAGE	MINIMUM LOT WIDTH (ft)	
			Front	Side	Rear	Stories	Feet		Distance from Street	Width
All		20	10	10	10	3.5	40	85%	0	0

9.7.7 Notes to Dimensional Regulation Table

1. The Planning Board, by grant of a Special Permit, may vary any of the above dimensional requirements. Consistent with Section 4.4.2, any principal structure may not exceed sixty (60) feet, nor more than four 4 stories in height in the FCOD.
2. When any yard (front, side, rear) of a multi-family or non-residential structure abuts a single or two-family home, Site Plan Review will include specific review of all proposed landscaping in order to provide a year-round visual buffer between uses.

9.7.8 Parking.

Parking Requirements: Within the FCOD, the following parking requirements apply. Parking shall not be allowed within the front or side yard dimensional setbacks.

Use	Minimum Parking Spaces:	Maximum Parking Spaces
Studio/1 Bedroom All other residential units	1 per unit 1.5 per unit	1 per unit 2 per unit
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors used businesses, excluding	1 space for each 250 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service

	basement storage area	businesses, excluding basement storage area
Mixed uses	See Section 6.1.5 Notes to Table 6.1 Off Street Parking Requirements	Spaces required will be the sum of the requirements of the various individual uses
All other uses		SEE Table 6.1

9.7.9 Notes on Parking Requirements:

1. Section 6.1.6 Reduction in off-street parking applies in the FCOD, with the modification that within the FCOD, no percentage is specified.
2. Section 6.1.2(2) Relation to Use applies for all uses in the FCOD.

9.7.10 Shared On-Site Parking for Mixed Use Development

1. Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.
2. Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

9.7.11 Criteria for Review: Projects developed utilizing the Foxborough Center Overlay District are subject to the review provisions of the Foxborough Zoning By-Law Section 6.5 Performance Standards; Section 105 Site Plan Review and Section 9.2 Design Review Overlay District.

In addition, the Planning Board shall ensure that the following criteria are met during any special permit or site plan review:

1. **Context:** To ensure development that is in harmony (or contextual) with Foxborough Center, the Standards of the Design Review Overlay District (Section 9.2.5) for proportions, roof design, scale of structure, facades, etc. should be addressed. Proposed development should be consistent with the Town Master Plan.
2. **Entrances**
 - a. For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

- b. Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

3. **External Materials and Appearance**

- a. External building treatments shall relate to and be in harmony with surrounding structures.
- b. Predominant wall materials shall have the appearance of wood, brick or stone.
- c. Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.
- d. Ground floor commercial building facades facing streets, shall contain transparent windows encompassing a minimum of 35 percent of the facade surface.

4. **Vehicle and Bicycle Parking**

- a. Parking areas shall be located behind or beside buildings wherever possible.
- b. Bicycle parking shall be provided for all new developments.
- c. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements.

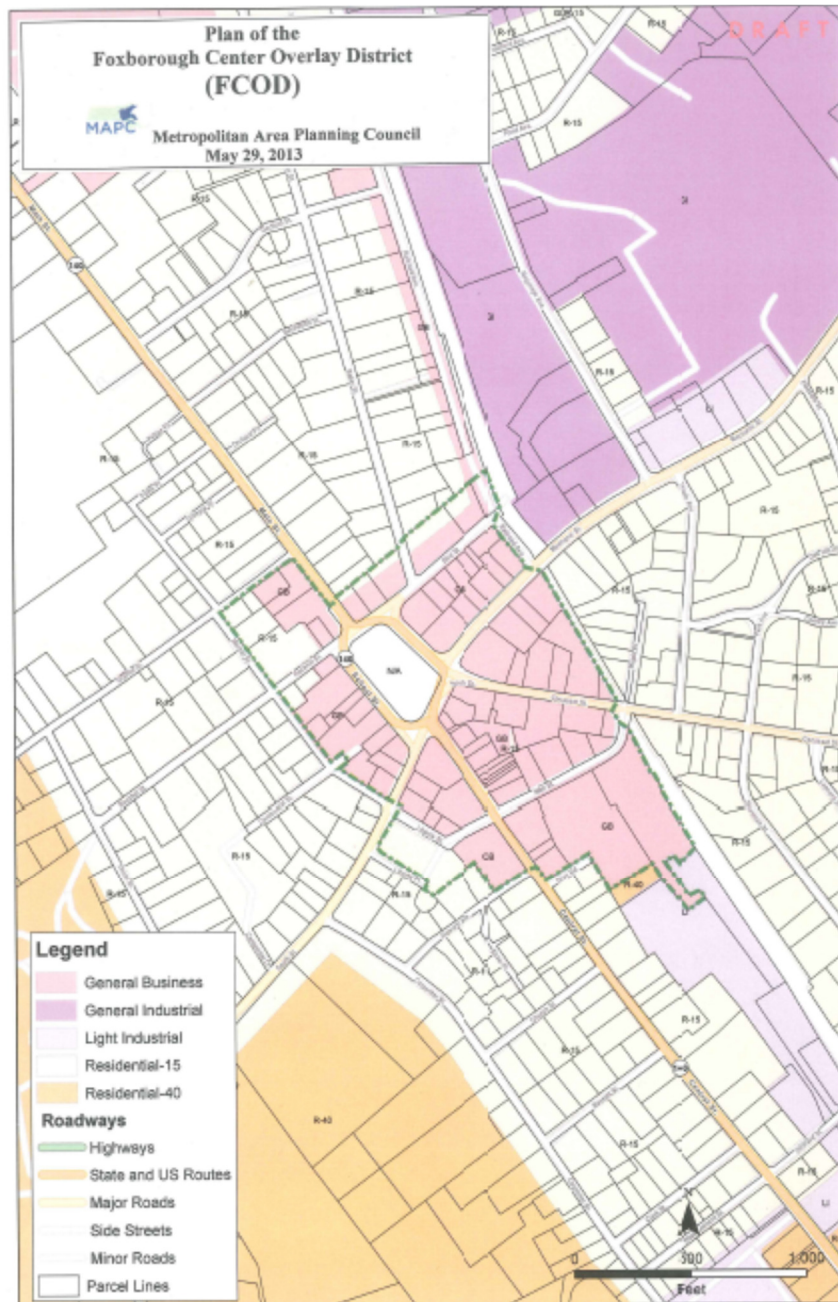
5. **Sustainable Building Design:** It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council) to the maximum extent feasible.

6. **Historic Structures,** as designated by the Foxborough Historic Commission.

- a. Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development.
- b. Any alteration of or addition to an existing historic structure shall employ materials, colors and textures as well as massing, size,

scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Awnings and canopies shall be compatible with the architectural style of the building.

or take any action in relation thereto.



ARTICLE I

To see if the Town will vote to delete the existing section 5.4 and insert the following:

5.4 NONCONFORMING SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES

Nonconforming single and two-family residential structures may be reconstructed, extended, altered or structurally changed as of right upon a determination by the Building Commissioner that such reconstruction, extension, alteration or structural change does not increase the nonconforming nature of the structure, or does not increase the habitable floor area of the structure by more than twenty-five (25%) percent.

5.4.1 No Increase in Nonconforming Nature

The extension or alteration to a structure that is described in each of the following circumstances shall not be deemed to increase the nonconforming nature of a structure:

1. **Insufficient Areas.** Extension or alteration to a structure that is located on a lot with insufficient lot area, but that complies with all current dimensional requirements for setback, rear and side yard, building coverage, and building height.
2. **Insufficient Frontage.** Extension or alteration to a structure that is located on a lot with insufficient frontage, but that complies with all current dimensional requirements for setback, side and rear yard, building coverage, and building height.
3. **Side Yard Encroachment.** Extension or alteration to a structure that encroaches upon one or more required side yard lines, but that complies with all current dimensional requirements for setback, front and rear yard, building coverage, and building height.

5.4.2 Increase in Nonconforming Nature or Increase in Habitable Floor Area by Twenty-Five (25%) or More.

In the event that the Building Commissioner determines that the reconstruction, extension, alteration or structural change increases the nonconforming nature of the structure, or in the event that such reconstruction, extension, alteration or structural change increases the habitable floor area of the structure by twenty-five (25%) percent or more, a Special Permit granted by the Board of Appeals shall be required to allow such reconstruction, extension, alteration or structural change. A Special Permit may be granted by the Board of Appeals only if there is a finding by the Board of Appeals that the reconstruction, extension, alteration or

structural change shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.

or take any action in relation thereto.